IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

Crl.Rev.Pet.No. 3075 of 2004(D)

CRA.258/2003 of SESSIONS COURT, KASARAGOD
CC.115/2000 of JUDL. MAGISTRATE OF FIRST CLASS-II, HOSDRUG

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REVN. PETITIONER: APPELLANT/ACCUSED

HAMZA P., S/O.P.P.ABDUL RAHIMAN,
RESIDING AT ELAMBADI, PERUMBATTA,
P.O.PERUMBATTA.

BY ADV. SMT.T.SUDHAMANI

RESPONDENTS: RESPONDENTS/COMPLAINANT & STATE

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1. L.K.KUNHALI HAJI, S/O.AHAMED HAJI,
RESIDING AT PERUMBATTA, P.O. PERUMBATTA.

2. THE STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

R1 BY ADV. SRI.C.MURALIKRISHNAN (PAYYANUR)
R2 PUBLIC PROSECUTOR SRI.K.S.SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 28/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

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Crl. R.P. No.3075 of 2004

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Dated this the 28th day of September, 2007.

ORDER

The accused in C.C. No.115 of 2000 on the file of the Judicial First Class Magistrate-II, Hosdurg for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, challenges the conviction entered and the sentence passed against him concurrently by the courts below.

2. Pending this revision, the parties have settled the matter. Crl. M.A. No.9936 of 2007 has been filed under Section 147 of the Negotiable Instruments Act, 1881 seeking permission to record the composition entered into between the revision petitioner and the complainant. The said petition has been signed by both the revision petitioner as well as the complainant and their respective counsels. In the light of this development, the aforementioned composition is recorded and it will have the effect of an acquittal of the revision petitioner within the meaning of Section 320(8) Cr.P.C. Money, if any, deposited by the revision petitioner pursuant to the orders, if any, passed by the lower appellate court shall be refunded to the revision petitioner/accused.

This Crl.R.P. is disposed of as above.

V.RAMKUMAR
Judge

pms